

NO. 20__ - _____

EX PARTE

(Name)

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IN THE DISTRICT COURT FOR
THE ____ JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

AGREED ORDER OF EXPUNCTION

On this date came on to be heard the petition for expunction filed in the above-captioned cause. Having considered the pleadings and other documents on file herein, the Court finds that it has jurisdiction over the instant cause and the parties thereto; and that the respondents have been duly served with the petition; and that all procedural and substantive requirements for expunction of the below specified criminal records have been met.

Petitioner's name is _____. Petitioner is a _____ (race) _____ (gender), whose date of birth is _____. His/Her Texas driver's license number is _____ and his/her social security number is _____. Petitioner's address at the time of arrest was _____.

Petitioner was arrested on _____(date) for the Misdemeanor Offense of _____, in Cause No. _____ in Municipal Court No. _____ of Harris County, Texas. This case was dismissed on _____(date).

THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that:

(1) the petition for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrests in the above-stated causes including all records of petitioner's prosecution for these offenses are expunged; and all release, dissemination or use of records pertaining to such arrests and prosecutions is prohibited;

(2) the respondents shall return all records and files concerning the above-specified arrests to this Court, or if removal is impracticable, obliterate all portions of the records or files that identify the petitioner, including all computer entries, and notify the court of its action;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent district clerk shall not permit inspection of the court records concerning this expunction proceeding by any person other than the petitioner herein or petitioner's attorney, and shall obliterate all public references to this proceeding and maintain the file and all other records in an area not open to inspection;

(5) the Clerk shall deliver to the petitioner or petitioner's attorney, on request, all files and records returned to it pursuant to this order;

(6) the respondent district clerk shall destroy all such files and records returned to it pursuant to this order on the first anniversary of the date the order for expunction was issued unless the petitioner has requested the return of the records as provided above;

(7) pursuant to Article 55.03, Texas Code of Criminal Procedure, the petitioner may deny the occurrence of the expunged arrest and prosecution and this expunction order, except said petitioner, when questioned under oath in a criminal proceeding about said matters, may state only that the matter in question has been expunged;

(8) pursuant to Article 55.02, § 3(c)(1), the Department of Public Safety shall notify any central federal depository of criminal records by any means, including secure electronic mail or facsimile transmission, of this order with an explanation of the effect of this order and a request that the depository destroy or return to the court the records in possession of the depository that are subject to this order, including any information with respect to this order;

(9) the phrase "all records and files pertaining to the arrest" does not include records relating to files regulated by the Texas Local Government Code Annotated §143.089 and §143.1214;

(10) the phrase "all records and files pertaining to the arrest" does not include records relating to the suspension or revocation of a driver's license, permit or privilege to operate a motor vehicle except as provided in TEX. TRANSP. CODE ANN. §524.015 and §724.048 (Vernon Pamphlet 1996); and

(11) the district clerk shall cause a copy of this order to be delivered, by certified mail, return receipt requested, to the following agencies subject to this order:

- (a) Texas Department of Public Safety
Crime Records Service MSC 0234
P.O. Box 4143
Austin, TX 78765-4143
- (b) Houston Police Department
1200 Travis, 16th Floor
Houston, TX 77002-6000
- (c) Harris County District Clerk's Office
201 Caroline, 2nd Floor
Houston, TX 77002
- (d) City of Houston Municipal Court # _____
1400 Lubbock N217
Houston, TX 77002

Signed this _____ day of _____, 200__.

JUDGE PRESIDING

_____ District Court
Harris County, Texas

Approved as to form and substance:

NAME

Address

_____, ____
Telephone No.: _____

Facsimile No.: _____

Petitioner Pro Se

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Staff Attorney

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By: DEIDRE HARRIS

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